

Todd M. Friedman, Esq. (216752)
Adrian R. Bacon, Esq. (280332)
LAW OFFICES OF TODD M. FRIEDMAN, P.C.
21550 Oxnard Street, Suite 780
Woodland Hills, CA 91367
Telephone: (323) 306-4234
Facsimile: (866) 633-0228
tfriedman@toddfllaw.com
abacon@toddfllaw.com

Attorneys for Plaintiff, TRACY THOMPSON and all others similarly situated

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

TRACY THOMPSON, individually,
and on behalf of other members of
the general public similarly situated,

Plaintiff,

vs.

MAYVENN, INC.,

Defendant.

Case No. 3:20-cv-05413-VC

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND THE
BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO
DISMISS AS MODIFIED**

NOW COME the Plaintiff, TRACY THOMPSON, and the Defendant,
MAYVENN INC., by and through their respective undersigned counsel and hereby
stipulate as follows:

1. WHEREAS, Plaintiff is one of hundreds of thousands of Texas citizens
who has been impacted by the severe cold weather, storms, and power outages. As

STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND THE BRIEFING SCHEDULE ON DEFENDANT'S
MOTION TO DISMISS

1 a result, Plaintiff has been without power for approximately one week.

2 2. WHEREAS, Plaintiff intends to file a First Amended Complaint in lieu
3 of responding to Defendant's pending Motion to Dismiss.
4

5 3. WHEREAS, due to the climate emergency currently happening in
6 Texas, Plaintiff is not able to assist her attorneys in preparing her First Amended
7 Complaint in time to file the amended pleading by the current deadline February 26,
8 2021.
9

10 4. WHEREAS, the parties previously stipulated three times to extend the
11 time to respond to the original complaint and set a briefing schedule and hearing for
12 Mayvenn's motion to dismiss.
13

14 5. WHEREAS, the Court previously stated that no further extensions
15 would be allowed, but Plaintiff submits that GOOD CAUSE now exists for
16 extending her time to file a First Amended Complaint, and for extending Mayvenn's
17 time to respond to the First Amended Complaint, given the climate emergency in
18 Texas.
19
20

21 THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES,
22 through their counsel, that:

23 6. Plaintiff shall have fourteen (14) additional days to file her First
24 Amended Complaint, to no later than March 12, 2021.
25

26 ~~7. Mayvenn shall have fourteen (14) additional days beyond that provided~~
27

Mayvenn shall respond within 14 days after service of the First Amended Complaint.

~~in Fed. R. Civ. P. 15(a)(3) to file its responsive pleading to Plaintiff's First Amended Complaint, to no later than April 9, 2021.~~

8. The hearing on Defendant's Motion to Dismiss Plaintiff's Complaint, which was noticed for April 1, 2021, is vacated.

SO STIPULATED.

Dated: February 22, 2021

Respectfully submitted,

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman

TODD M. FRIEDMAN, ESQ.

Attorney for Plaintiff

MORRISON & FOERSTER LLP

By: /s/ Tiffany Cheung

Attorney for Defendant

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: February 24, 2021

BY: _____

Honorable V.
United St

